

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v) 2:06-CR-123-MHT
)
JOSEPH ANTHONY GUTIERREZ)
HORACIO JAIMES-ALBITER)
CARLOS SOLANO-OLASCOAGA)
FRANCISCO ULLOA-JIMINEZ)
JULIO CESAR ZAVALA-ULLOA)

PRETRIAL CONFERENCE ORDER

A pretrial conference was held on 9 June, 2006, before the undersigned Magistrate Judge. Present at this conference were Kevin Butler, counsel for Joseph Anthony Gutierrez, and standing in for Andrew Skier, counsel for the defendant Carlos Solano Olascoaga, Ben E. Bruner, counsel for defendant Horacio Jaimes-Albiter, John Poti, counsel for defendant Francisco Ulloa-Jiminez, and Charles E. Vercelli, Jr., counsel for defendant Julio Cesar Zavala-Ulloa. Counsel for the Government was not present. As a result of the conference, it is

ORDERED as follows:

1. Jury selection is set for 7 August 2006. The trial of this case is set for the trial term commencing on 7 August 2006, before United States District Judge Myron H. Thompson and is expected to last three trial days.
2. There is a motion to Sever Defendant (Doc. # 96) as to defendant Francisco Ulloa-Jiminez currently pending.

3. Proposed voir dire questions shall be filed on or before 31 July 2006. Counsel should not include questions seeking information which is provided in the jury questionnaire.

4. All motions in limine shall be filed on or before 31 July 2006. Motions in limine must be accompanied by a brief. Failure to file a brief will result in denial of the motion.

5. Proposed jury instructions shall be filed on or before 31 July 2006.

6. The court will not consider a plea pursuant to Rule 11(c) (1)(A) or (C) unless notice is filed on or before noon on 26 July 2006. The government and defendant are informed that if a defendant waits until the last minute to enter a plea, and if that plea, for whatever reason, is not accepted by the court, the defendant and the government will be expected to be prepared to go to trial on 7 August 2006. The court will not continue the trial of this case as to any defendant because a defendant's plea was not accepted. In other words, the defendant and the government should not wait until the last minute for a defendant to enter a guilty plea, and both the defendant and the government should all be ready to go to trial on 7 August 2006, as to all defendants, even though a particular guilty plea was not accepted by the court.

DONE THIS 12TH DAY OF JUNE, 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE

FOR

VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE